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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Min Soo Park

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2186

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02/22/2006

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EXAMINER

MOORE, IAN N

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/899,011	PARK, MIN SOO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ian N. Moore	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-8 and 11-20 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Minko (US005963551A) in view of Shimoyama (US006643496B1).

**Regarding Claim 1**, Minko discloses an internet telephone communication system (see FIG. 1 a-b; see col. 4, lines 30-40; see col. 2, lines 9-20; digital voice communication across Internet) comprising:

teaches a voice receiving part (see FIG. 1 a-b; local/remote receiver 20 A-B) receiving a first set of voice data packets (see FIG. 1a, audio packets) through an Internet network (see FIG. 1a, across the Internet; see col. 2, lines 10-20) and sending a retransmission frequency information packet requesting (see FIG. 4, step 400; a recovery information) to retransmit a same set of voice data packets R times, R being a retransmission frequency (see FIG. 4, step 405, 415, 420 and 425; retransmission for the lost packets for a number of time(s) (i.e. R time); see col. 9, lines 1-25), and being determined based on a data loss rate of said first set of voice data packets received (see FIG. 3, step 300,305,310,315,325,330,335,340; retransmission in accordance with packet lost rate/count of missing/lost packets; see col. 7, lines 20-50; 59 to col. 8, lines 45) and a voice transmitting part (see FIG. 1 a-b; local/remote sender 20 A-B) retransmitting said same set of voice data packets for a number time(s) (i.e. R times) through an internet network

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(see FIG. 4, steps 415, 420, 425; retransmission for the lost packets for a number of time(s); see col. 9, lines 1-25) according to said retransmission frequency information packet received (see FIG. 4, step 345, 400, and 405; see col. 8, lines 25 to col. 9, lines 20);

wherein the data loss is determined by a difference between a number of data packets supposed to be received and a number of data packets actually received (see col. 7, line 5-15; 29-39; determining lost packets in accordance with the actual received packet to the transmit packet).

Minko does not explicitly disclose the loss rate is determined by a ratio of lost packet to the number of data packets suppose to be received.

However, determining the lost rate a ratio of lost packet to the number of data packets suppose to be received is well know in the art. Also, it is well known in the art that in order to determine a number of lost packets, one must subtract or obtain difference between expected/transmitted number of packets and actual/received number of packets. In particular, Shimoyama teaches wherein the data loss rate is determined by a ratio of a difference between a number of data packets supposed to be received and a number of data packets actually received to the number of data packets supposed to be received, with respect to a certain time interval (see col. 9, line 47-59; the packet loss rate, during time  $\Delta t$ , is equal to the number of lost packets (i.e. differences between receive and transmitted number of packets) divided by the total number of transmitted). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to determine the lost data rate by a ratio of lost packet to transmit number of packets, as taught by Shimoyama in the system of Minko, so that it would make it possible to communicate with minimum delay; see Shimoyama col. 2, line 6-40.

*Allowable Subject Matter*

3. Claims 2-8 and 11-20 are allowed.

*Response to Arguments*

4. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

**Regarding claim 1, the applicant argued that, "...Minko does not teach or suggest an internet telephone communication system comprising: teaches a voice receiving part receiving a first set of voice data through an Internet network and sending a retransmission frequency information packet requesting to retransmit a same set of voice data packets R times, R being a retransmission frequency, and being determined based on a data loss rate of said first set of voice data packets received ... wherein the data loss rate is determined by a ratio of a difference between a number of data packets supposed to be received and a number of data packets actually received to the number of data packets supposed to be received, with respect to a certain time interval" in page 8, paragraph 4.**

**In response to applicant's argument, the examiner respectfully disagrees with the argument above. Minko discloses an internet telephone communication system (see FIG. 1 a-b; see col. 4, lines 30-40; see col. 2, lines 9-20; digital voice communication across Internet) comprising: teaches a voice receiving part (see FIG. 1 a-b; local/remote receiver 20 A-B) receiving a first set of voice data packets (see FIG. 1a, audio packets) through an Internet network (see FIG. 1a, across the Internet; see col. 2, lines 10-20) and sending a retransmission**

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frequency information packet requesting (see FIG. 4, step 400; a recovery information) to retransmit a same set of voice data packets R times, R being a retransmission frequency (see FIG. 4, step 405, 415, 420 and 425; retransmission for the lost packets for a number of time(s) (i.e. R time); see col. 9, lines 1-25), and being determined based on a data loss rate of said first set of voice data packets received (see FIG. 3, step 300,305,310,315,325,330,335,340; retransmission in accordance with packet lost rate/count of missing/lost packets; see col. 7, lines 20-50; 59 to col. 8, lines 45).

Shimoyama teaches wherein the data loss rate is determined by a ratio of a difference between a number of data packets supposed to be received and a number of data packets actually received to the number of data packets supposed to be received, with respect to a certain time interval (see col. 9, line 47-59; the packet loss rate, during time  $\Delta t$ , is equal to the number of lost packets (i.e. differences between receive and transmitted number of packets) divided by the total number of transmitted).

Thus, it is clear that the combined system of Minko and Shimoyama disclosed the application claim invention as set forth above.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9/2/06

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